

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
UNITED STATES OF AMERICA )

v. )

DARREN F. WILDER )  
\_\_\_\_\_)

CASE NO. 04CR10217GAO

**DEFENDANT'S MOTION TO STRIKE PORTIONS**  
**OF PRESENTENCE REPORT AND INCORPORATED**  
**MEMORANDUM OF LAW**

NOW COMES the Defendant, Darren Wilder, through counsel, and respectfully moves this Honorable Court to strike portions of his Presentence Report ("PSR"). In support thereof, counsel states the following:

1. This Court has authority to strike all or portions of a PSR for reasons including the timeliness of disclosures and the prejudicial content of the Report. *See United States v. Rouland*, 1993WL410455, aff'd 9 F. 3d 1555 (9<sup>th</sup> Cir. 1993); *United States v. Santana-Camacho*, 931 F. 2d 966, 969 (1<sup>st</sup> Cir. 1999).

2. Paragraphs 53 and 54 of the PSR report a potential uncharged crime involving the Defendant's step-sister and based upon double and triple hearsay.

3. Given its inflammatory nature, the lack of reliable and credible information regarding this incident and the conflicting nature of the statements, it should be stricken from the Report.

4. The Defendant's version of the incident should be stricken as well. The only reason it became an issue in his treatment was because of S/A Forgetta's report. Probation's characterization of this information as useful for the Defendant's treatment is absurd given the content and it is included in the report solely to further malign and embarrass the Defendant.

WHEREFORE, this Honorable Court is respectfully urged to strike paragraphs 53 and 54 from the PSR.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. C. Horstmann", with a stylized flourish at the end.

Peter Charles Horstmann, Esquire  
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**CERTIFICATE OF SERVICE**

I, Peter Charles Horstmann, Esquire, hereby certify that on this 23rd day of June 2006, a copy of the foregoing Motion was served electronically, upon Dana Gershengorn, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210

A handwritten signature in blue ink, appearing to read "P. C. Horstmann", with a stylized flourish at the end.

Peter Charles Horstmann, Esquire